

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SCOTT TURNAGE, CORTEZ D. BROWN,
DEONTAE TATE, JEREMY S. MELTON, ISSACCA
POWELL, KEITH BURGESS, TRAVIS BOYD,
TERRENCE DRAIN, and KIMBERLY ALLEN on
behalf of themselves and all similarly situated persons,
Plaintiffs,

v.

BILL OLDHAM, in his individual capacity as
former Sheriff of Shelby County, Tennessee;
FLOYD BONNER, JR., in his official capacity as
Sheriff of Shelby County, Tennessee; ROBERT
MOORE, in his individual capacity as former Jail
Director of Shelby County, Tennessee; KIRK
FIELDS, in his official capacity as Jail Director of
Shelby County, Tennessee; CHARLENE MCGHEE,
in her individual capacity as former Assistant Chief
of Jail Security of Shelby County, Tennessee;
REGINALD HUBABARD, in his official capacity
as Assistant Chief of Jail Security of Shelby County,
Tennessee; DEBRA HAMMONS, in her individual
capacity as former Assistant Chief of Jail Programs
of Shelby County,
Tennessee; TIFFANY WARD in her official
capacity as Assistant Chief of Jail Programs of
Shelby County, Tennessee; SHELBY COUNTY,
TENNESSEE, a Tennessee municipality; TYLER
TECHNOLOGIES, INC., a foreign corporation;
GLOBAL TEL*LINK CORPORATION, a foreign
corporation; SOFTWARE AG CLOUD
AMERICAS, INC., a foreign corporation; and
SIERRA-CEDAR, INC., a foreign corporation,
Defendants.

No. 2:16-cv-02907-SHM-tmp

**DEFENDANT SOFTWARE AG CLOUD AMERICAS, INC.'S UNOPPOSED
MOTION FOR EXTENSION OF TIME TO PLEAD OR OTHERWISE
RESPOND TO THE FOURTH AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), defendant Software AG Cloud Americas, Inc. (“SAGCA”), preserving any and all defenses it may have to the claims alleged in the Fourth Amended Complaint and without waiting any objection to personal jurisdiction herein, files this unopposed motion and memorandum in support of its request for a 21-day extension of time within which to plead or otherwise respond to the Fourth Amended Complaint.

In support of this request, SAGCA respectfully submits as follows:

1. On November 17, 2016, Plaintiffs filed their original “Class Action Complaint for Civil Rights Violations” against Bill Oldham, individually and in his official capacity as the Sheriff of Shelby County (Doc. 1). That complaint was thereafter amended by Plaintiffs on March 24, 2017 (Doc. 43), May 4, 2017 (Doc. 52), July 30, 2018 (Doc. 103), and most recently on January 18, 2019 (Doc. 138). Plaintiffs’ most recent amendment, the Fourth Amended Complaint, adds SAGCA and several other entities as new defendants.

3. SAGCA was served with process on January 28, 2019 so that, pursuant to Fed. R. Civ. P. 12, its deadline to plead or otherwise respond to the Fourth Amended Complaint is February 19, 2019.

4. SAGCA requests a 21-day extension of this deadline. SAGCA respectfully submits that good cause exists for the requested extension so that it and its counsel can analyze the lengthy Fourth Amended Complaint, as well as the over 150 docket entries and pleadings previously filed in the case, and then prepare and file an appropriate response.

5. Pursuant to the Local Rules of this Court, counsel for SAGCA has consulted with Brice Timmons, one of the attorneys for Plaintiffs, and been advised that Plaintiffs do not oppose the relief requested. SAGCA also notes that it has advised counsel for Plaintiffs that it is not a proper party to this dispute in that, among other reasons, it is not a party to any of the

“contractual relationships” referred to in the Fourth Amended Complaint (Doc. 138, at ¶ 62 and following), nor was it otherwise involved in any of the events alleged therein. SAGCA is likewise not subject to personal jurisdiction in this District, and expressly reserves any and all defenses it may have under Fed. R. Civ. P. 12 or otherwise. Counsel for the parties have agreed to confer further regarding these issues prior to the time any responsive pleading from SAGCA would be due.

Accordingly, SAGCA respectfully requests that its Unopposed Motion for Extension of Time to Plead or Otherwise Respond to the Fourth Amended Complaint be granted, and that its deadline for filing an answer or otherwise responding to the Fourth Amended Complaint be extended to March 12, 2019.

Respectfully submitted,

BURCH, PORTER & JOHNSON, PLLC

By: /s/ Douglas F. Halijan
Douglas F. Halijan (BPR # 015718)
William D. Irvine (BPR # 035193)
130 N. Court Ave.
Memphis, TN 38103
Telephone: 901-524-5000
Email: dhalijan@bpjlaw.com
Email: wirvine@bpjlaw.com

CERTIFICATE OF CONSULTATION

The undersigned counsel for Defendants consulted with counsel for Plaintiffs, Brice Timmons, Esq., concerning the relief requested herein. Mr. Timmons advised that Plaintiffs’ DO NOT oppose the relief requested in this motion.

s/ Douglas F. Halijan
Douglas F. Halijan

CERTIFICATE OF SERVICE

I, Douglas F. Halijan, hereby certify that on February 14, 2019, a true and correct copy of the foregoing was filed electronically and is available for viewing and downloading from the ECF system of the U.S. District Court for the Western District of Tennessee by the following:

Frank L. Watson, III
William F. Burns
William E. Routt, III
WATSON BURNS, LLC
253 Adams Ave
Memphis, TN 38103
Phone: (901) 529-7996
Fax: (901) 529-7998
Email: fwatson@watsonburns.com
Email: bburns@watsonburns.com
Email: wroutt@watsonburns.com

Michael G. McLaren
John C. Ryland
William E. Cochran, Jr.
Brice M. Timmons
Warren P. Campbell
BLACK McLAREN JONES RYLAND
& GRIFFEE PC
530 Oak Court Drive, Suite 360
Memphis, TN 38117
(901) 762-0535 (Office)
(901) 762-0539 (Fax)
Email: mmclaren@blackmclaw.com
Email: wcochran@blackmclaw.com
Email: btimmons@blackmclaw.com
Email: wcampbell@blackmclaw.com
Email: jryland@blackmclaw.com

Bradley E. Trammell
BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ
165 Madison Ave. Ste. 2000
Memphis, TN 38103
Telephone: 901-526-2000
btrammell@bakerdonelson.com

Beth Bivans Petronio
K&L GATES, LLP
1717 Main Street, Suite 2800
Dallas, Texas 75201
Telephone: (214) 939-5500
beth.petronio@klgates.com

Counsel for Defendant Tyler Technologies, Inc.

James L. Murphy III
R. Brandon Bundren
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division Street, Suite 700
Nashville, TN 37203
615.252.2303
jmurphy@bradley.com
615.252.4647
bbundren@bradley.com

*Counsel for Global Tel*Link Corporation*

Claiborne Ferguson
Attorney for Plaintiffs and the Class
THE CLAIBORNE FERGUSON LAW FIRM P.A.
294 Washington Avenue
Memphis, TN 38103
Claiborne@midsouthcriminaldefense.com

Joseph S. Ozment
THE LAW OFFICE OF JOSEPH S. OZMENT, PLLC
1448 Madison Ave.
Memphis, Tennessee 38104
Phone: (901) 525-4357
Email: jozment@oz-law.net

Matthew Charles Gulotta
THE GULOTTA FIRM
202 Adams Avenue
Memphis, TN 38103
901-526-6477
901-410-5373 (fax)
matt@gulottalaw.net

Steven George Wilson
THE STEVE WILSON FIRM
Clark Tower
5100 Poplar Avenue
Suite 2700
Memphis, TN 38137
901-337-1300
901-372-1446 (fax)
steviewilsonlaw@gmail.com

Daniel Owen Lofton
THE LAW OFFICE OF CRAIG & LOFTON, PC
2400 Poplar Ave.
Suite 210
Memphis, TN 38112
901-526-7837
901-526-0234 (fax)
dlofton@craigandloftonlaw.com

Counsel for Plaintiffs and the putative Class Members

Robert E. Craddock, Jr.
Odell Horton, Jr.
Byron N. Brown IV
Meghan M. Cox
Amber D. Floyd
WYATT TARRANT & COMBS LLP
6070 Poplar Ave., Suite 300
Memphis, TN 38119
(901) 537-1000
rcraddock@wyattfirm.com
ohorton@wyattfirm.com
bbrown@wyattfirm.com
mcox@wyattfirm.com
afloyd@wyattfirm.com

E. Lee Whitwell
Shelby County Attorney's Office
160 North Main Street, Suite 950
Memphis, TN 38103
(901) 222-2100
lee.whitwell@shelbycountyttn.gov

*Counsel for Defendants Bill Oldham,
Robert Moore, Charlene McGhee,
Debra Hammons and Shelby County,
Tennessee*

Kevin David Bernstein
Albert G. McLean
SPICER RUDSTROM PLLC-Memphis
119 S. Main Street, Suite 700
Memphis, TN 38103
901-522-2324
901-526-0213 (fax)
amclean@spicerfirm.com
kdb@spicerfirm.com

Counsel for Defendant Sierra-Cedar, Inc.

s/ Douglas F. Halijan
Douglas F. Halijan